

NOT PROTECTIVELY MARKED

Our ref:TP/VS

8 April 2021

Dear Home Secretary

**RE: HMICFRS Inspection Getting the Balance Right (*published March 2021*).**

Thank you for the opportunity to comment on this inspection report. The report recognises that there are improvements which could be made to the way police forces deal with public protests. As PCC, I am well aware of the challenges the police face in trying to balance the right to peaceful protest, with upholding the law when it is breached, and in the context of ensuring that safety for both the protesters, and the wider public, is not compromised.

While the inspection was not specifically about Suffolk Constabulary, the report's findings need to be considered by all forces. Some of the recommendations are for the Home Office, College of Policing and NPCC to implement, however there are a number of recommendations and areas for improvement identified which fall to Chief Constables. Those are highlighted in the attached response from Suffolk Constabulary, along with the reassurance that the Constabulary is taking action to address these issues within the timescales proposed.

I will review progress with these recommendations through my Accountability and Performance Panel meetings.

Yours sincerely



Tim Passmore  
Police and Crime Commissioner

The Rt Hon Priti Patel MP  
Home Secretary  
Home Office  
2 Marsham Street  
London

## Suffolk Constabulary Response to the HMICFRS Inspection:

### Getting the balance right?

An inspection of how effectively the police deal with protests

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On 21 September 2020, the Home Secretary commissioned HMICFRS to conduct an inspection into how effectively the police manage protests. This followed several protests, by groups including Extinction Rebellion, Black Lives Matter and many others. Some of them had caused disruption in various parts of the country, including London and other cities. She asked HMICFRS to assess the extent to which the police have been using their existing powers effectively, and what steps the Government could take to ensure that the police have the right powers to respond to protests.

Ten police forces with recent experience of policing protests were inspected and a wide range of other bodies, including protest groups and – through a survey of over 2,000 people – the general public were also consulted. Suffolk Constabulary was not one of the ten forces inspected.

Having reviewed the evidence HMICFRS concluded that the police do not strike the right balance on every occasion. The report states that balance may tip too readily in favour of protesters when, as is often the case, the police do not accurately assess the level of disruption caused, or likely to be caused, by a protest.

HMICFRS observations led them to conclude that a modest reset of the scales is needed. To help achieve it, their report includes four areas for improvement and 12 recommendations.

#### Area for Improvement

- 1 *Forces should improve the quality of the protest-related intelligence they provide to the National Police Coordination Centre's Strategic Intelligence and Briefing team. And this team should ensure that its intelligence collection process is fit for purpose.*
- 2 *On a national, regional and local basis, the police should develop a stronger rationale for determining the number of commanders, specialist officers and staff needed to police protests.*
- 3 *The police's use of live facial recognition technology is an area for improvement. The National Police Chiefs' Council should continue to work with the Government and other interested parties. These bodies should develop a robust framework that supports forces, allowing the use of live facial recognition in a way that improves police efficiency and effectiveness while addressing public concerns about the use of such technology. The framework should be designed to help the police satisfy the requirements explained in the Court of Appeal judgment: [2020] EWCA Civ 1058.*

- 4 *The police's protest-related community impact assessments are an area for improvement, particularly those that need to be completed after the event. These assessments should assist the police to understand fully the impact of protests on communities. They should include assessments of the impact of protest on local residents, visitors to an area, businesses, and the critical infrastructure including transport networks and hospitals.*

## **Response**

The Constabulary has already made advances in relation to AFIs 1,2 and 3 and is confident that further progress will be made in each of these areas so improving the effectiveness of its public order response.

Whilst AFI 3 is directed towards the National Police Chief's council Suffolk Constabulary has identified a lead within the force to look at opportunities relating to facial recognition technology and this will ensure that national developments are kept under review.

## **Recommendations**

The 12 recommendations were set against three timescales, immediate, by the 30<sup>th</sup> June and by the 31<sup>st</sup> December 2021.

### **Immediate effect**

- *With immediate effect, the National Police Chiefs' Council (NPCC), through its National Public Order Public Safety Group and National Protest Working Group, should closely monitor progress on integrating the management of protest-related covert human intelligence sources with the devolved force model. And, by 30 June 2022, the NPCC should ensure that a post-implementation review is conducted.*
- *By 30 June 2022, the National Police Chiefs' Council (NPCC), through its National Public Order Public Safety Group and National Protest Working Group, should analyse the results from the national development team trial. In the light of this analysis, the NPCC should secure an appropriate longer-term arrangement for managing the risks presented by aggravated activists.*

## **Response**

Whilst both of the immediate recommendations are detected at the National Police Chief's Council the Constabulary has already started to look at how it can develop the use of covert human intelligence sources within the protest intelligence arena.

### **By 30<sup>th</sup> June 2021**

- *By 30 June 2022, the College of Policing, through its planned review, should bring the public order authorised professional practice (APP) up to date and make arrangements to keep it current, with more regular revisions as they become necessary. It would also*

*be beneficial to consolidate the APP, protest operational advice and aide memoire into a single source (or a linked series of documents).*

- *By 30 June 2022, on behalf of HM Government, the Home Office should lead a joint review of police and local authority powers and practices concerning road closures during protests. This should be done with the support of, and in consultation with, the Department for Transport, the Ministry of Housing, Communities & Local Government, Westminster City Council, the Metropolitan Police, Transport for London and other interested parties. The review should include a comparison of the arrangements in London with those in other parts of England and Wales. Its findings should lead to decisions on whether to:
  - *retain, modify or repeal section 52 of the Metropolitan Police Act 1839 and section 21 of the Town Police Clauses Act 1847; and*
  - *establish new multi-agency arrangements for implementing road closures in London during protests.**
  
- *By 30 June 2022, the National Police Chiefs' Council, working with the College of Policing, should provide additional support to gold commanders to improve the quality of gold strategies for protest policing. This support should include:
  - *the creation and operation of a quality assurance process; and/or*
  - *the provision of more focused continuous professional development.**
  
- *By 30 June 2022, the National Police Coordination Centre should revise the national post-event learning review form so that it contains a section to report on the policing operation's impact on the community.*
  
- *By 30 June 2021, the Home Office should consider laying before Parliament draft legislation (similar to section 11 of the Public Order Act 1986) that makes provision for an obligation on organisers of public assemblies to give the police written notice in advance of such assemblies.*
  
- *By 30 June 2021, the Home Office should consider laying before Parliament draft legislation (similar to section 13 of the Public Order Act 1986) that makes provision for the prohibition of public assemblies.*
  
- *By 30 June 2022, the Home Office, working with the National Police Chiefs' Council and other interested parties, should carry out research into the use of fixed penalty notices for breaches of public health regulations in the course of protests. The research should explore the extent to which recipients complied with the scheme, and any consequential demand on the criminal justice system. The outcome of this research should inform a decision on whether to extend either the penalty notices for disorder scheme or the fixed penalty notice scheme to include further offences commonly committed during protests.*

## Response

The Constabulary is in the process of developing a peer review process to scrutinise command strategies, plans and logs to improve and enhance learning and identify best practice. The Constabulary has recently invited Lancashire police to discuss their experiences and learning in respect of the fracking protests.

### By 31<sup>st</sup> December

- *By 31 December 2021, chief constables should make sure that their legal services teams subscribe to the College of Policing Knowledge Hub's Association of Police Lawyers group.*
- *By 31 December 2021, the College of Policing should ensure that all Public Order Public Safety commander and adviser students attending its licensed training are enrolled in the College of Policing Knowledge Hub's Specialist Operational Support – Public Order Public Safety group, before they leave the training event.*
- *By 31 December 2021, chief constables should ensure that their forces have sufficiently robust governance arrangements in place to secure consistent, effective debrief processes for protest policing. Such arrangements should ensure that:*
  - *forces give adequate consideration to debriefing all protest-related policing operations;*
  - *the extent of any debrief is proportionate to the scale of the operation;*
  - *a national post-event learning review form is prepared after every debrief; and*
  - *the form is signed off by a gold commander prior to submission to the National Police Coordination Centre.*

## Response

The Constabulary will ensure that all of these recommendations are actioned and completed by the 31<sup>st</sup> December 2021.